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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,942	11/18/2003	Norman Castellani	12504US04	4458

7590 02/01/2007  
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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT PAPER NUMBER

2831

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/715,942

**Applicant(s)**

CASTELLANI ET AL.

**Examiner**

DHIRU R. PATEL

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *LR*
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. After further consideration, the finality of the final rejection mailed on 7/17/06 is hereby vacated. This office action replaces the office action previously mailed on 7/17/06 with a new statutory period. Any inconvenience to the Applicant is regretted.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 (c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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2. Claims 1-2, 4-7,9-11,13-14,16-18,20-22 and 24-28 are rejected under 35 U.S.C. § 103 (a) as being in order to increase the resistance of the poke-through to heat exposure, thus increasing the length of time that the poke-through device can resist exposure to heat unpatentable over Bonilla et al (6,114,623) in view of Wright (5,007,857).

Bonilla et al disclose:

Regarding claims 1 and 6, a poke-through fitting 10 (see fig 1, column 2 line 59-67) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see figs 4-5, and column 2 lines 60-67), the fitting comprising: an insert sized 110, 112 (top and base, see figs 1-2, and column 4 lines 1-5) for insertion into the circular floor opening (see figs 4-5 ); and four separately formed simplex power receptacles 18 supported by the insert (see fig 1, column 2 lines 59-67), but fails to disclose each of said power receptacles having a separate housing. Wright teaches the use of a known simplex power receptacle 12 with a housing 34 (see fig 1, column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protects the components within the electrical receptacle (see column 2 lines 32-36). It is well known in the electrical art of power receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a

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separate housing as taught by Wright in order to provide support and protection for the components within the electrical receptacle, such as contacts and blades.

With respect to claim 6, four communication/data jacks 20 supported within the insert (see fig 1, column 2 lines 60-67 of Bonilla et al).

Regarding claims 2 and 7, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (please note that Bonilla et al teach the use of a simplex receptacle configured to snap fit into a portion of the insert, see figs 1-2 and column 3 lines 65-67 and column 4 lines 12 of Bonilla et al). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claims 4 and 9, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including power receptacles are wired in separate electrical circuits (see figs 2 and 6 and entire column 4 of Bonilla et al). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claims 5 and 10, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including a cover assembly 30 overlying the insert (see fig 1, column 3 lines 8-9 of Bonilla et al ), the cover assembly including access covers 216 for selectively covering and exposing the simplex power receptacles (see fig 1, column 6 lines 45-55 of Bonilla et al).

**Bonilla et al disclose:**

Regarding claim 11, a poke-through fitting 10 (see fig 1, column 2 line 59-67) of the type that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure

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(see figs 4-5, and column 2 lines 60-67), the fitting comprising: an insert sized 110, 112 (top and base, see figs 1-2, and column 4 lines 1-5) configured for insertion into the floor opening (see figs 4-5); the insert having an upper end adjacent to the floor and having a chamber defined therein which extends downwardly from the upper end (see figs 1-2 and 5), a cover 30 overlying the insert (see fig 1), the cover having an upper surface, four communication/data jacks 20 mounted within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover (see fig 1, column 2 lines 58-67), and four separately formed simplex power receptacles 18 (see fig 1, column 2 lines 59-67), but fails to disclose each of said power receptacle having a respective housing mounted within the fitting such that the power receptacles do not extend upwardly beyond the upper surface of the cover. Wright teaches the use of a known simplex power receptacle 12 with a housing 34 (see fig 1, column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protects the components within the electrical receptacle (see column 2 lines 32-36). It is well known in the electrical art of power receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a separate housing as taught by Wright in order to provide support

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and protection for the components within the electrical receptacle, such as contacts and blades.

Regarding claim 13, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including at least two of the simplex power receptacles are wired in separate electrical circuits (see figs 2 and 6 and the entire column 4 of Bonilla et al). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

**Bonilla et al disclose:**

Regarding claim 14, a poke-through fitting 10 (see fig 1, column 2 line 59-67) of the type that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see figs 4-5, and column 2 lines 60-67), the poke-through fitting comprising: an insert sized 110, 112 (top and base, see figs 1-2, and column 4 lines 1-5) for insertion into the floor opening (see figs 4-5); a cover 30 overlying the insert (see fig 1), the cover having an upper surface (see fig 1); and four simplex power receptacles 18 (see fig 1), but fails to disclose each of said power receptacles having a respective housing and , the power receptacles being mounted within the fitting in a protected fashion such that the power receptacles do not extend upwardly beyond the upper surface of the cover.

Wright teaches the use of a known simplex power receptacle 12 with a housing 34 (see fig 1, column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protects the components within the electrical receptacle (see column 2 lines 32-36). It is well known

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in the electrical art of power receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a separate housing as taught by Wright in order to provide support and protection for the components within the electrical receptacle, such as contacts and blades.

**Bonilla et al disclose:**

Regarding claim 16, a poke-through wiring fitting 10 (see fig 1, column 2 lines 59-65) of the type that is adapted to be supported in a circular floor opening 12 in a floor 14 of a building structure (see figs 4-5, column 2 lines 59-67), the poke-through fitting comprising: four communication/data jacks 20 mounted within the fitting, the communication/data jacks being arranged in a longitudinal row (see fig 1); first and second simplex receptacles disposed on a first lateral side of the communication/data jack (see fig 1), and third and fourth simplex receptacles disposed on a second lateral side of the communication data jacks (see fig 1); but fails to disclose each of said simplex receptacles having a separate housing. Wright teaches the use of a known simplex power receptacle 12 with a housing 34 (see fig 1, column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protect the components within the electrical receptacle (see column 2 lines 32-36). It is well known in the electrical art of power



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receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a separate housing as taught by Wright in order to provide support and protection for the components within the electrical receptacle, such as contacts and blades.

Regarding claim 17, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including the first pair of simplex power receptacles are wired in a separate electrical circuit from the second pair of simplex receptacles (see column 2 lines 1-7 of Bonilla et al). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Assembly of the device of Bonilla et al comprises method step of:

**Bonilla et al disclose:**

Regarding claim 18, a method of delivering flush poke-through wiring fitting 10 (see fig 1, column 2 lines 59-67) that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see figs 4-5 and column 2 lines 59-67), the method comprising: providing a cover 30 that overlies the fitting and has an upper surface (see fig 1); mounting four communication/data jacks 20 within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover (see figs 4-5); mounting four separately formed simplex power receptacles 18 with the fitting such that the receptacles do not extend upwardly beyond the upper surface of the cover (see figs 4-5), but fails to disclose each of said power receptacles

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having a separate housing . Wright teaches the use of a known simplex power receptacle 12 with a housing 34 (see fig 1, column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protects the components within the electrical receptacle (see column 2 lines 32-36). It is well known in the electrical art of power receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a separate housing as taught by Wright in order to provide support and protection for the components within the electrical receptacle, such as contacts and blades.

Regarding claim 20, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including wiring at least two power receptacles in separate electrical circuits (see figs 2 and 6 and entire column 4 of Bonilla et al). It is noted that the modified of Bonilla et al meet the structural limitations.

Assembly of the device of Bonilla et al comprises method step of:

**Bonilla et al disclose:**

Regarding claims 21 and 26, a method for providing a poke-through fitting 10 (see fig1, column 2 lines 59-66) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see figs 4-5, column 2 lines 59-66),

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the method comprising: providing an insert 110, 112, (top and base, see figs 1-2, and column 4 lines 1-5) sized for insertion into the circular floor opening (see figs 4-5); and mounting four separately formed simplex power receptacles 18 within said insert (see fig 1), but fails to disclose each of said power receptacles comprising a respective housing. Wright teaches the use of a simplex known power receptacle 12 with a housing 34 (see fig 1, column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protects the components within the electrical receptacle (see column 2 lines 32-36). It is well known in the electrical art of power receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a separate housing as taught by Wright in order to provide support and protection for the components within the electrical receptacle, such as contacts and blades.

With respect to claim 26, mounting four communication/data jacks within the insert (see fig 1 of Bonilla et al).

Regarding claim 22, the modified assembly of Bonillo et al disclose all the features of the claimed invention as shown above, including wherein the receptacles are configured to snap fit into a portion of the insert (please note that Bonilla et al teach the use of a simplex receptacle configured to snap fit into a portion of the insert, see figs

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1-2 and column 3 lines 65-67 and column 4 lines 12 of Bonilla et al).

Regarding claim 24, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including wiring at least two of the receptacles in separate electrical circuits (see figs 2 and 6, and the entire column 4 of Bonilla et al ). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

Regarding claim 25, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including a cover assembly 30 including access covers 216 (see fig 1, column 6 lines 45-52 of Bonilla et al) for selectively covering and exposing the simplex power receptacles (see fig 1 of Bonilla et al). It is noted that the assembly of Bonilla et al meet the structural limitations.

Assembly of the device of Bonilla et al comprises method step of:

**Bonilla et al disclose:**

Regarding claim 27, a method for providing a poke-through wiring fitting 10 (see fig 1, column 2 lines 59-67) of the type that is adapted to be supported in a circular floor opening 12 in a floor 14 of a building structure (see figs 4-5, column 21 lines 60-67), the method comprising: mounting four communication/data jacks 20 within the fitting (see fig 1, column 2 lines 59-67), the communication/data jacks being arranged in a longitudinal row; mounting first and a second simplex power receptacles 18 on a first lateral side of the communication/data jack (see fig 1, column 2 lines 59-67), mounting third and fourth simplex receptacles on a second lateral side of the communication/data jack, but fails to disclose each of said receptacle having a separate housing. Wright teaches the use of a known simplex power receptacle 12 with a housing 34 (see fig 1,

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column 2 lines 50-60 and column 3 lines 8-15) for work in the field of receptacle and commercial available as an electrical extension cord or an adapter plug (see column 1 lines 5-10 and column 3 lines 60-65) to provide supports and protects the components within the electrical receptacle (see column 2 lines 32-36). It is well known in the electrical art of power receptacles to use a simplex power receptacle having a separate housing as taught by Wright. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of said simplex power receptacles of the assembly of Bonilla et al with a simplex power receptacle having a separate housing as taught by Wright in order to provide support and protection for the components within the electrical receptacle, such as contacts and blades.

Regarding claim 28, further comprising wiring the first pair of simplex power receptacles 18 are in a separate electrical circuit from the second pair of simplex receptacles (see column 2 lines 1-7 of Bonilla et al). It is noted that the modified assembly of Bonilla et al meet the structural limitations.

3. Claims 3,8,12,15,19 and 23 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Bonilla et al (6,114,623) and Wright (5,007,857) as applied to Claims 1,6,11,14,18 and 21 above, and further in view of Whitehead (6,417,446).

Bonilla et al disclose:

Regarding claims 3,8,12,15,19 and 23, the modified assembly of Bonilla et al disclose all the features of the claimed invention as shown above, including fire barrier 38 is an intumescent fire barrier, as generally known in the art (see column3 lines 40-41),

but fails to disclose further comprising fire stopping material disposed within the insert. Whitehead teaches the use of a fire stopping material disposed in the insert (see column 2 lines 50-52, and column 8 lines 39-67 and column 9 lines 1-6 of Whitehead) in order to increase the resistance of the poke-through to heat exposure, thus increasing the length of time that the poke-through device can resist exposure to heat (see column 8 lines 39-52 of Whitehead). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the insert of the modified assembly of Bonilla with fire stopping material disposed within the insert as taught by Whitehead in order to increase the resistance of the poke-through to heat exposure, thus increasing the length of time that the poke-through device can resist exposure to heat.

With respect to claims 12, 15 and 19, the floor opening formed in the floor and with the poke-through wiring fitting supported in the floor opening, is substantially the same as the fire rating of the floor without the floor opening formed in the floor (see fig 2 of Whitehead).

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phillip, Johnson, Schachtebeck and Chen disclose a receptacle similar to applicant's claimed invention.

**Response to Arguments**

5. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

**It is noted that with respect to Simplex Power receptacle, the Applicant does not**

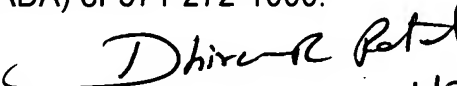
**describe any criticality of said simplex power receptacle.**

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DHIRU R. PATEL whose telephone number is 571-272-1983. The examiner can normally be reached on M-TH, 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DHIRU R PATEL  
Primary Examiner  
Art Unit 2831

1/29/07